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HOUSE BILL NO. 724

INTRODUCED BY B. BARKER, J. ETCHART, R. MINER, J. KASSMIER

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING PUBLIC NOTICE REQUIREMENTS; ALLOWING AGENCIES TO PUBLISH MEETING AGENDAS ON THE AGENCY WEBSITE OR SOCIAL MEDIA PAGE IF THEY HAVE ONE; REQUIRING LOCAL GOVERNMENTS AND SCHOOL BOARDS TO PUBLISH MEETING AGENDAS PRIOR TO THE MEETING; AND AMENDING SECTIONS 2-3-103, 7-1-2121, 7-1-4127, 7-3-304, 7-3-503, 7-3-606, 20-3-322, 20-9-204, AND 20-20-105, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-3-103, MCA, is amended to read:

"2-3-103. Public participation -- governor to ensure guidelines adopted -- procedures for publishing notice. (1) (a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.

(b) The agency shall publish an agenda for a meeting, as defined in 2-3-202, as follows:

(i) if a newspaper of general circulation in the county where the agency is located publishes electronic notices and links to meeting agendas free of charge to the agency on the newspaper's website, the agency shall publish a notice and include a link to the agenda for the meeting shall provide the notice and agenda to the newspaper to post on the newspaper's website;

(ii) if the agency does not have an option to publish an electronic notice post notices and links to meeting agendas free of charge, the agency shall publish the notice and a link to the agenda for the meeting on provide adequate notice of a meeting by doing at least one of the following:

(A) posting a link to the meeting agenda on the agency's primary website; or

(B) posting the agenda on the agency's social media page site of the agency.

(c) The agenda for a meeting, as defined in 2-3-202, must include an item allowing public

1 comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the
2 agency conducting the meeting. However, the agency may not take action on any matter discussed unless
3 specific notice of that matter is included on an agenda and public comment has been allowed on that matter.

4 (d) Public comment received at a meeting must be incorporated into the official minutes of the
5 meeting, as provided in 2-3-212.

6 ~~(b)~~(e) For purposes of this section, "public matter" does not include contested case and other
7 adjudicative proceedings.

8 (2) The governor shall ensure that each board, bureau, commission, department, authority,
9 agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines
10 must provide policies and procedures to facilitate public participation in those programs, consistent with
11 subsection (1). These guidelines must be adopted as rules and published in a manner so that the rules may be
12 provided to a member of the public upon request."

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14 **Section 2.** Section 7-1-2121, MCA, is amended to read:

15 **"7-1-2121. Publication and content of notice -- proof of publication.** (1) Unless otherwise
16 specifically provided by law and except as provided in 13-1-108, whenever a local government unit other than a
17 municipality is required to give notice by publication, this section applies.

18 (2) A local government unit shall comply with the notice requirements of 2-3-103, including
19 publication of an agenda prior to a meeting.

20 ~~(2)(3)~~ Publication must be in a newspaper meeting the qualifications of subsections ~~(3) and (4)~~ and
21 (5), except that in a county where a newspaper does not meet these qualifications, publication must be made in
22 a qualified newspaper in an adjacent county. If there is no qualified newspaper in an adjacent county,
23 publication must be made by posting the notice in three public places in the county, designated by resolution of
24 the governing body.

25 ~~(3)(4)~~ (a) The newspaper must:

26 (i) be of general circulation;

27 (ii) be published at least once a week;

28 (iii) be published in the county where the hearing or other action will take place; and